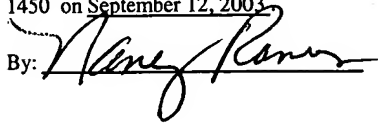


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By:


Printed: Nancy Ramos

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10/663053  
09/12/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents

Box Patent Application

Washington, D.C. 20231

Dear Sir:

This is a request for filing a Divisional application under 37 CFR 1.53(b) of pending prior application U.S. Application Serial No. 09/519,283, filed December 11, 2002, now U.S. Patent No. 6,620,606, which is a Continued Prosecution Application of U.S. Application Serial No. 09/519,283 filed March 2, 2000, which is a Divisional of U.S. Application Serial No. 08/883,526 filed June 6, 1997, now U.S. Patent No. 6,033,893, both entitled NEW HUMAN CATHEPSIN, all of which are hereby incorporated herein by reference.

X	Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 08/883,526, filed on June 6, 1997, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
X	With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 08/883, 526, filed June 6, 1997, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/883,526 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.
	Amend the specification by inserting after the title: "This application is a application of U.S. application serial number , filed , all of which applications and patents are hereby incorporated herein by reference."
X	Cancel in this application original claims <u>3-8, 13-16, 21, 22, 24, 25, 28-30, 35-55 and 57</u> before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.
X	The inventor(s) of the invention being claimed in this application is (are): Olga Bandman, Karl J. Guegler, Neil C. Corley, Purvi Shah.
X	The prior application is assigned of record to <u>Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc.,</u> recorded on November 28, 1997, at reel /frame 8821/0465.

X	The power of attorney of the prior application is to:	
	Lucy J. Billings	Reg. No. 36,749
	Jenny Buchbinder	Reg. No. 48,588
	Diana Hamlet-Cox	Reg. No. 33,302
	Joel Harris	Reg. No. 44,743
	Richard C. Ekstrom	Reg. No. 37,027
	Barrie D. Greene	Reg. No. 46,740
	Lori L. Kerber	Reg. No. 41,113
	Gina C. Nellesen	Reg. No. 52,062
	Shirley A. Recipon	Reg. No. 47,016
	Cathleen M. Rocco	Reg. No. 46,172
	Susan K. Sather	Reg. No. 44,316
	Michelle M. Stempien	Reg. No. 41,327
	David G. Streeter	Reg. No. 43,168
	James M. Verna, Ph.D.	Reg. No. 33,287
	Yu-Mei Eureka Wang	Reg. No. 50,510

X The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government.

**ENCLOSURES**

- X Application Data Sheet (ADS) (4 pp.).
- X Blanket Exemption from Requirements Under § 42 U.S.C. 2182 Letter (1 pg.).
- X In accordance with 37 CFR 1.63(d), a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on (4 pp.).
- X Submission of Formal Drawings (1 pp.); and 6 Sheets of Formal Drawings, including Figures 1 A, 1B, 1C, 1D, 2A and 2B.
- X Information Disclosure Statement (2 pp.); and List of References Cited PTO-1449 (3 pp.).
- X Copy of previously submitted Certification under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.).
- X Copy of previously submitted Submission under 37 CFR § 1.821-1.825 Sequence Listing (1 pg.).

**CLAIMS AS FILED**

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee	
				Rate	Fee	\$	
							750.00
Total Claims	20	-20	0	x \$18	0	\$	0
Indep. Claims	2	-3	0	x \$84	0	\$	0
Multiple Dependent Claim(s), if any				+ \$280	0	\$	0
Filing Fee:						\$	750.00

**FEE CALCULATION AND METHOD OF PAYMENT**

The Fee has been calculated as follows:			
X	Fee for filing a Divisional Application Under 37 CFR 1.16 (a):	\$	750.00
X	Please charge Deposit Account No. 09-0108 in the amount of :	\$	750.00

Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 CFR 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 CFR 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account 09-0108. This sheet is enclosed in duplicate.

**CORRESPONDENCE ADDRESS**  
(Customer No. 27904)

INCYTE CORPORATION  
LEGAL DEPARTMENT  
3160 Porter Drive  
Palo Alto, California 94304

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(650) 849-8886

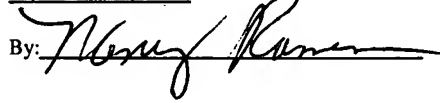
Date: 12, September 2003

By: Shirley A. Recipon  
Shirley A. Recipon  
Reg. No. 47,016  
Direct Dial Telephone: (650) 621-8555

  X   Attorney or Agent of record.

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By: 

Printed: Nancy Ramos

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Bandman et al.

Title: NEW HUMAN CATHEPSIN

Serial No.: To Be Assigned

Filing Date: Herewith

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

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Mail Stop: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF FORMAL DRAWINGS**

Sir:

Transmitted herewith are Figure(s) 1A, 1B, 1C, 1D, 2A and 2B, as 6 (six) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the front side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**.

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

Respectfully submitted,

INCYTE CORPORATION

Date: 12, September 2003



Shirley A. Recipon

Reg. No. 47,016

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